

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference OZOKI/P3843	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/PL 03/00007	International filing date (<i>day/month/year</i>) 21.01.2003	Priority date (<i>day/month/year</i>) 29.01.2002
International Patent Classification (IPC) or both national classification and IPC B01L9/00		
Applicant "HTL STREFA" SP. Z O.O.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 18.08.2003	Date of completion of this report 27.02.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Wyplosz, N Telephone No. +31 70 340-2573 

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EXAMINATION REPORT**

International application No. **PCT/PL 03/00007**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-5 as originally filed

Claims, Numbers

1-5 received on 28.01.2004 with letter of 23.01.2004

Drawings, Sheets

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-5
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-5
Industrial applicability (IA)	Yes: Claims	1-5
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document/s/:

- D1: US-B1-6 286 678 (PETREK JAMES S) 11 September 2001 (2001-09-11)
- D2: GB-A-1 522 128 (BENNETT J) 23 August 1978 (1978-08-23)
- D3: US-A-6 007 779 (HOMBERG WILLIAM D ET AL) 28 December 1999 (1999-12-28)
- D4: US-A-4 349 109 (SCORDATO EMIL A ET AL) 14 September 1982 (1982-09-14)

The application does not fulfill the requirements of Article 33(1) PCT.

Novelty

The subject-matter of claim 1 is new over the disclosure of D1 because the following technical features are not described in D1:

- elastic links of the feeder disposed between its side walls and elastic holders
- grooves disposed in the opposite side walls of the base.

Inventive step

The application does not fulfill the requirements of Article 33(3) PCT.

D1 discloses a number of feature of claim 1. Particularly relevant parts of D1 are: fig. 1-3, col. 5 lines 14-46.

It is not clear from the application what technical problem is intended to be solved. The technical problem mentioned by the applicant in his letter of reply dated 23 January 2004 "consists in autoclaving the pipette tips in the container and then in using the cover of the container as the feeder of the trays with the

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autoclaved tips". This reformulation of the technical problem cannot be allowed because the technical problem mentioned by the applicant in his letter of reply is not derivable by the skilled person from the application as filed.

The technical features of claim 1 that are not described in D1 have not been shown to solve any technical problem set out in the application as filed and the subject-matter of claim 1 is not inventive.

The same goes for dependent claims 2-5, which have not been shown to solve any technical problem.

It should be noted that:

- the use of grooves in the side walls of a base is already known in the art of laboratory equipments as for example in D2 (fig.1 and 3)
- inner stabilising rings are already known in the art of laboratory equipments as for example in D3 (fig.1b)
- additional bottom bases are already known in the art of laboratory equipments as for example in D4 (fig.6).

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Claims amended under Article 34(2)(b)

1. Pipette tip container comprising a base (1) for setting a tray (19) with tips (21) and a cover being a tray feeder (2), wherein

the feeder (2) has on opposite side walls (23, 24) elastic holders (27, 28) and

the elastic holders (27, 28) have on inner side wedge-shaped projections (31, 32) and

on upper edges of the wedge-shaped projections (31, 32) the tray (19) with tips (21) is supported,

characterised in that

the feeder (2) comprises elastic links (29, 30) between side walls (23, 24) and the elastic holders (27, 28) and

the base (1) comprises in opposite side walls (3, 5) grooves (13, 14) for the elastic links (29, 30) of the feeder (2), wherein

lower edges of the wedge-shaped projections (31, 32) abut against the opposite side walls (3, 5) of the base (1).

2. The container according to the claim 1, **characterised in that** the feeder (2) has protruding downwards corners (15, 16, 17, 18), which cooperate

REPLACEMENT SHEET under Art. 34(2)(b)

AMENDED SHEET

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with protruding above top surface of the base (1) corner guides (7, 8, 9, 10) of this base (1).

3. The container according to the claim 1, characterised in that the tray (19) has rings (34) around holes, wherein inside diameters of the rings (34) are equal to diameters of the holes and on upper edges of the rings (34) short tips (33) are set.

4. The container according to the claim 1, characterised in that upper portion (22) of the feeder (2) has an inner stabilising ring (36) surrounding upper portions of long tips (35) outside diameter dimension of which is close to the spacing of holes in the tray (19).

5. The container according to the claim 4, characterised in that the base (1) has in its lower portion additional bottom base (37) to house lower portions of long tips (35).